

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	
	)	
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	<b>MDL No. 1456</b>
	)	<b>Civil Action No. 01-12257-PBS</b>
<i>US ex rel. Ven-a-Care of the Florida Keys,</i>	)	
<i>Inc., v. Abbott Laboratories, Inc.</i>	)	Hon. Patti B. Saris
NO. 07-CV-11618-PBS	)	
	)	
	)	
	)	
	)	

**JUNE 1, 2009 STATUS REPORT  
OF THE RELATOR, VEN-A-CARE OF THE FLORIDA KEYS**

The Relator, Ven-A-Care of the Florida Keys, Inc. ("Ven-A-Care" or the "Relator"), through its undersigned counsel respectfully files this Status Report for June 1, 2009 in accordance with the Court's June 17, 2004 Procedural Order and states:

**Motion to Dismiss**

On March 14, 2008, the Court denied Abbott's Motion to Dismiss Ven-A-Care's Complaint. Abbott sought an appeal of this decision. On July 15, 2008, the Court denied Abbott's Request for Certification Pursuant to § 1292(b) and Stay of Discovery.

**Case Management Order**

On September 2, 2008 the Court entered a Case Management Order in this case.

**Scheduled Hearings**

None

**Pending Discovery**

The parties have filed a FRCP 26(f) report which included provisions for the use of prior discovery materials and deposition testimony in this case. The parties exchanged initial disclosures on August 22, 2008. The Relator has also filed amended Disclosures. The parties have exchanged written discovery requests and written discovery responses. The parties have coordinated the respective productions of sales transaction drug pricing data from Abbott and Medicaid claims data from the United States and the Centers for Medicare and Medicaid Services. These datasets were delivered by and to the parties on or about Dec. 2, 2008. The parties participated in state Medicaid discovery which is now closed. Fact discovery has closed. Expert reports have been exchanged between the parties in accordance with the September 2, 2008 Case Management Order. Defendant, Abbott, has deposed Plaintiff's experts. Plaintiff will soon depose Defendant's experts on June 10-11, 2009 and June 15-16, 2009. The parties will then participate in the summary judgment proceedings as previously scheduled by this Court.

Dated: June 1, 2009

Respectfully submitted,

/s/ Jarrett Anderson

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For Ven-A-Care of the Florida Keys, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused an electronic copy of the above **PLAINTIFF VEN-A-CARE OF THE FLORIDA KEYS, INC.'S, JUNE 1, 2009 MONTHLY STATUS REPORT** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No.2 by sending a copy to Lexis Nexis File and Serve for posting and notification to all parties.

/s/ Jarrett Anderson

Dated: June 1, 2009